



United States Attorney  
Southern District of New York

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August 30, 2024

**VIA ECF**

The Honorable Ona T. Wang  
United States Magistrate Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl St.  
New York, NY 10007

Re: *New York Legal Assistance Grp. v. Soc. Sec. Admin.*, 23 Civ. 9363 (ALC) (OTW)

Dear Judge Wang:

This Office represents the Social Security Administration (the “SSA”) in the above-captioned action brought by plaintiff New York Legal Assistance Group (“NYLAG”) pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), and the Administrative Procedure Act, 5 U.S.C. § 702 (“APA”). I write respectfully on behalf of both parties, pursuant to the Court’s July 30, 2024 order (ECF No. 46), to provide the Court with an update on the parties’ progress in discovery.

As background, the parties appeared for a status conference on June 25, 2024. (Minute Entry at 6/25/2024). Subsequent to the conference, the parties engaged in several meet-and-conferences to discuss the discovery requests. On or around July 2, 2024, the parties agreed that the SSA would produce a subset of the discovery NYLAG sought in its document requests (the “RFPs”) and interrogatories, dated May 30, 2024, that NYLAG identified as priority discovery requests. Pursuant to that agreement, the SSA agreed to produce such discovery within two weeks from the date that the Court entered the protective order in this case. (See ECF No. 40-41). The Court entered the protective order in this case on July 9, 2024. (ECF No. 42).

Pursuant to the parties’ agreement, on July 23, 2024, the SSA produced to NYLAG: (i) 44 Program Operation Manual Systems (“POMS”) sections that had been specified by NYLAG (a subset of RFP 2); (ii) 2 Emergency Messages (“EMs”) that had been specified by NYLAG (a subset of RFP 3); (iii) a list of active Administrative Message (“AM”) titles (a subset of RFP 5); and (iv) a description of the categories of POMS contained in Exhibit B to NYLAG’s RFPs. On August 7, 2024, the SSA produced two AMs selected by NYLAG (a subset of RFP 4). On August 9, 2024, the SSA produced documents concerning its policies and procedures for reviewing and publishing sensitive POMS, EMs, and AMs (RFP 7(a) and (b)).

On July 24, 2024, NYLAG provided the SSA with a proposal for the next set of information it seeks in discovery and NYLAG subsequently clarified this proposal via e-mail. The parties met and conferred, with SSA counsel present, via telephone on July 25, 2024. On August 14, 2024, the parties met and conferred, again with SSA counsel present, with respect to NYLAG’s July 24, 2024 proposal for next steps in discovery. Following the meet-and-confer, the SSA has agreed to work on producing an additional 7 POMS (a subset of RFP 2), as selected by NYLAG, within two weeks from receiving NYLAG’s selections. The SSA has also agreed to work on producing fee

waiver requests, fee waiver initial responses, and fee waiver appeal responses with respect to 11 FOIA requests from legal aid entities and law schools (a subset of RFP 8). Further, the SSA also agreed to provide information about how the SSA's FOIA fee waiver statistics are generated and what they account for, within two weeks from today. The SSA has also responded to various questions posed by NYLAG during the meet-and-confer.

Pursuant to the Court's July 30, 2024 order, the parties will file another status letter with the Court in thirty days, on or before September 27, 2024.

Respectfully,

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Southern District of New York

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cc: Plaintiff (via ECF)